

REMARKS

The Office Action mailed May 11, 2004 has been received and reviewed. Claims 10 and 12-28 are pending and rejected as being anticipated by the Pethö reference. For the reasons stated below, the Applicants submit that the claims distinguish over the reference, are not anticipated by the reference, and are in condition for allowance.

Rejection Of Claims 10, 12-16 and 18-29 Under 35 U.S.C. § 102(b)

Claims 10, 12-16 and 18-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pethö, et al., (US 4,987,726) (hereinafter “Pethö”), which the Examiner states discloses a method and device for filling and sealing containers in a clean environment with clean room 3. The Examiner further states that Pethö discloses that the containers are closed in a closing or stoppering station shown in FIG. 7. Responsive to the prior amendment of claim 10, which requires a final closing station positioned downstream and outside of the clean room, the Examiner states that column 13, lines 40-45 describe that which is claimed. The rejection is traversed.

Column 13, lines 40-45 of Pethö states “[s]ubsequent to all four bottles having been stoppered in the station 9, . . . the larger carousel is rotated through a further quarter revolution, so as to bring the filled and stopped (sic) bottles to the starting position in the station 6. Two of the bottles are now moved out of their respective sleeves 30 by means of the piston-cylinder devices 31 and the carrier plates 35, so that the bottles can be seized by the comb-like gripper 13 and moved out through the tunnel 14 for wrapping or encapsulation of the stoppers.” Column 4, lines 2-4, further

describes, however, that “[a]lso arranged in the tunnel (describing pressure-locked tunnel 14) is a device for fitting sterile sealing caps over the stoppers in the filled and stoppered bottles.” Clearly, the Pethö device is structured to provide a second sealing device (i.e., a sterile sealing cap for placement over stoppered bottles) downstream from but inside the clean room environment. Therefore, claims 10, 12-16 and 18-19 are not anticipated by Pethö.

Additionally, claim 20 is amended to make it clear that the claimed invention requires an initial closing of the containers and a final sealing of the closed containers with a sealing cap. Support for the amendment is found at page 6, lines 13-18 of the specification. Pethö, by contrast, provides a first sealing of the container followed by a mere closing or enclosure of the container with a cover. Therefore, claims 20-29 are not anticipated by Pethö.

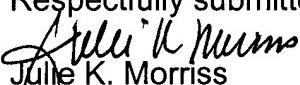
Regarding claim 15, the Examiner states that Pethö discloses that “both the supply tunnel and the discharge or outfeed means are provided with a known sealing lock arrangement for maintaining sterility and a suitable pressure. . . in the tunnel 14”, and the Examiner thus contends that the filled and sealed bottles when returned to tunnel 14 are further cleansed (exterior) with a positive pressure before final discharge. Respectfully, nowhere in Pethö is there any disclosure, teaching or suggestion that, as claimed, the device is structured with a cleaning station downstream from the filling station for washing the exterior of filled and stoppered bottles with a fluid material. Pethö in fact describes that “the provision of two closing valves 45 and 70 (on the filling lines) prevents the occurrence of subsequent running or dripping of the liquid

preparation, which would otherwise contaminate the mouths and outer surfaces of the bottles." (See, column 12, line 66 through column 13, line 2.) Consequently, Pethö provides no teaching of cleaning or washing the bottles after stoppering. While "steam and washing lines for sterilization purposes" are disclosed, particularly at column 14, lines 24-28, such structure exists for the purpose of cleaning the filling device itself, not to clean the exterior of the bottles. Claim 15 is not anticipated by Pethö.

As with claim 10, claim 20 requires transferring the filled bottles out of a clean room and finally closing the bottles with a second sealing device. Pethö provides no such teaching as previously stated. Therefore, claims 20-29 are not anticipated by Pethö.

CONCLUSION

Pethö fails to disclose the filling apparatus and methods as claimed in the application and do not anticipate the claims, therefore. The Applicants submit that claims 10, 12-16 and 18-29 present patentable subject matter. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

Julie K. Morris
Registration No. 33,263
Attorney for Applicants
MORRISS O'BRYANT COMPAGNI, P.C.
136 South Main Street, Suite 700
Salt Lake City, Utah 84101
Telephone: (801) 478-0071
Facsimile: (801) 478-0076

Date: August 10, 2004